

EXHIBIT H

C.A. No. 05-399-JJF

5. This determination was made because of the findings from the investigation. Wilson was not transferred for writing grievances. Wilson was transferred for legitimate security reasons within the institution.

6. Wilson wrote to me in April of 2006 (letter attached hereto as Exhibit H-1) regarding his classification and status. I responded by memorandum (attached hereto as Exhibit H-2) on May 5, 2006 and informed him that his classification and status would be determined upon conclusion of the investigation.

7. The investigation results were submitted to me in May of 2006 and Wilson was classified by the Multi-disciplinary Team ("MDT") to the Delaware Correctional Center ("DCC.") Greentree program on May 31, 2006 (attached hereto as Exhibit H-3). This classification was approved and Wilson was transferred to DCC on June 6, 2006.

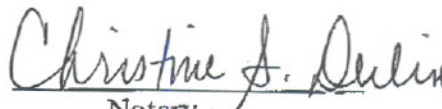
Equal Protection Claims

8. SCI. does not maintain policies that racially discriminate. Classification, security level, employment, treatment, programming, education, and disciplinary decisions are all subject to a multi-level process and review within the institution. The process requires approval or denial at several levels, each involving different staff, including treatment workers, correctional officers, and administrative level workers. Race does not play a factor in any decision made at any level.

9. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Rick Kearney

SWORN AND SUBSCRIBED before me this 20th day of July, 2007.


Notary

Christine S. Dulin
My Commission Expires
August 18, 2007

RECEIVED
MAY 01 2006
SCI WARDEN'S OFFICE

IN THE NAME OF ALLAH, THE BENEFICENT, THE MERCIFUL,
AS-SALAMU-ALAIKUM
(Peace be unto you) 4/29/06

May this letter find you in the best of health,
mentally, physically and spiritually.

This letter is to inquire about why am I still placed
in the P.I. build? Also, how long is this investigation?

There is a room in the merit building open and I
request and suggest that I be given this room

Firstly, I have done nothing wrong to be moved from the
merit building.

Therefore, my rights to procedural due process is being
violated, see BROWN V. PLAUT, 131 F.3d 163, 169 (D.C. Cir. 1997)
Inmate's placement in administrative segregation would violate
due process clause if inmate had liberty interest in avoiding
segregation and inmate did not receive due process.

HARPER V. YOUNG, 64 F.3d 563, 566 (10th Cir. 1995) (inherent constitutional
liberty interests arise when prisoner has acquired substantial
freedom such that deprivation requires due process protection).

Right to equal treatment: I know that there was a
inmate under investigation in the merit building and
his room (cell) was held for him and when he was

D00409

A-1

EXONERATED he was given his EXACT cell back and his investigation did NOT exceed the EXACT limits of investigation

SEE Dewalt v. Carter, 224 F.3d 607, 619 (7th Cir. 2000)
Also, Atkinson v. Taylor, 316 F.3d 257, 270, 38 (Cir. 2003)

Inmate Wilson is not being equally treated when it comes to investigation as other inmate has been.

Lastly, because I told the truth I should not have been Retaliated Against. I was moved for speaking the Truth not an investigation, Therefore, I was being Retaliated Against.

SEE Cornell v. Woods, 69 F.3d 1383, 1387, (8th Cir. 1995)
(1st Amendment implicated because prisoner Alleged Transfer in Retaliation for cooperating with misconduct investigation of prison guard).

Prison officials may not Retaliate Against A prisoner For exercising his First Amendment Right.

My liberties has been taken from me and you have the authority to Restore them back. I'm asking to be moved back to the recit building and Restored ALL liberties.

James Wilson
cc: Deputy Warden
Ben Schwartz Esq.

D00410

Memorandum

Date: 5/5/2006
To: James Wilson
From: Warden Kearney R. K.
RE: Correspondence

I received your letter dated April 29, 2006. Your classification and housing will be determined at the conclusion of the investigation that is being conducted by S/Lt. Messick.

Cc. S/Lt. Messick

P. Ditto

5/5/2006

1

H-2

000408

DELAWARE DEPARTMENT OF CORRECTION
RECLASSIFICATION FORM (WOMEN AND MEN)

OFFENDER NAME: Dilson James SBI #: 113663 DOB: 10/26/64 DATE: 5/18/06
 INSTITUTION: SCI Prior Classification Date: 3/20/06

CURRENT SECURITY: Common/Minimum Minimum X Medium Medium/MPO Maximum Max/MPO

SENTENCE LENGTH: 18/10/0 EFF. DATE: 12/10/99 STRD: 7.5/11 PED: 1/1 TIS: X NON-TIS: X

RISK REASSESSMENT

SEVERITY OF CURRENT OFFENSE FOR WHICH INCARCERATED Robt (VOP X3) Conspiracy, Theft, MSOT arrest Traff Coc. 5-50

Low Severity 0
 Moderate Severity 2
 High Severity 4
 Highest Severity 6 16

OTHER OFFENSES/BAIL STATUS

Other Offenses(s)/Bail Amount: none

None or pending probation violation, outstanding misdemeanors, or bail below \$5,000 0
 Active Federal, including Immigration and Naturalization Service and/or State warrant or charge(s) with bail of 5,000 to \$49,999 2
 Pending charges without bail (not a bailable offense, include Violation of Parole) or bail of \$50,000 or more 4 0

ESCAPE/FAILURE TO APPEAR (FTA) HISTORY

Escape History: none
 (date and type/class)

None or one or more incidents of FTA (capias issued) or military AWOL 0
 Walk-off from work release, furlough, Delaware Psychiatric Center, community and/or outside job assignment, courtrooms, police (city, state, military, etc.), Recovery Center within the past 3 years 2
 Attempted escape from a secure correctional institution within the past 5 years or escape from a secure facility ten + years ago 3
 Escape from a secure correctional institution within the past ten years 5 0

CURRENT AGE

Current Age: 41

Age 39+ 0
 Age 23 years or less 1
 Age 28-38 2
 Age 24 - 27 3 0

SEVERITY OF CRIMINAL HISTORY IN THE LAST TEN (10) YEARS

Most Serious Prior Felony Conviction none

No prior conviction 0
 Low Severity conviction 2
 Moderate Severity conviction 2
 High Severity conviction 3
 Highest Severity conviction 4 0

NUMBER OF CLASS I/MAJOR DISCIPLINARY FINDINGS OF GUILT (within the past eighteen months)

None 0
 1 Disciplinary Finding of Guilt 2
 2 - 3 Disciplinary Findings of Guilt 3
 4+ Disciplinary Findings of Guilt 5 0
 Actual Number of Class I Disciplinary Findings: _____

INSTITUTIONAL MISCONDUCT HISTORY (Consider institutional reports during last 5 years)

First incarceration or no prior Major/Class I Institutional Reports 0
 Major/Class I - Non Predatory Institutional Misconduct Report ≥ 36 months 1
 Major/Class I - Non Predatory Institutional Misconduct Report within last 36 months 3
 or Predatory/Assaultive ≥ 36mths 3
 Major/Class I - Predatory/Assaultive Institutional Misconduct Report w/in 13 - 36 months 5
 Major/Class I - Predatory/Assaultive Institutional Misconduct Report within past 12 months 7 0
 Most Serious Institutional Misconduct Report: _____
 Date of Most Serious Misconduct Report: _____

H-3

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PERFORMANCE IN TREATMENT PROGRAMS/WORK ASSIGNMENTS

Program Status: _____

Completed all recommended program(s) AND is currently working 2
 Completed some programs, is working and on waiting list for other recommended programs 1
 Enrolled in recommended program or no treatment recommended and is working 0
 Medically discharged/excused or successfully completed all recommended programs 0
 On waiting list for recommended program and work, due to lack of availability 0
 Dropped out or failed to complete or was dismissed from program and/or work prior to completion 2
 Unsuccessful (refused work and/or program participation) 3

RISK ASSESSMENT SCORE SUBTOTAL: 10

SUPPLEMENTAL SCORING/TIME REMAINING: (to be applied in all cases where less than ten (10) years have been served)

Has served at least 10 years 0
 Up to 4.99 years remaining to be served 1
 5 to 9.99 years remaining to be served 2
 10 to 14.99 years remaining to be served 3
 15 or more years remaining to be served 4

FINAL RISK ASSESSMENT SCORE TOTAL: (Risk Assessment Score Subtotal plus Supplemental Score)

8

Risk Assessment Scale: Community/Minimum Minimum Medium Maximum
 02 to 04 05 - 08 09 - 16 17 or more

Preliminary Security Level (Check scored security level)

Community/Minimum ☒ Minimum Medium Maximum

OVERRIDES:

Mandatory Policy Overrides (MPO)

Prior escapes (requires Maximum Security placement)
Prior staff assaults (requires Maximum Security placement)
240 or more months remaining to serve (placement cannot go below Medium)
☒ Offense is rated Highest Severly (placement cannot go below Medium)

Discretionary Overrides (increase level)

Pattern of assaultive/predatory behavior in institutions and/or the community
Documented membership in security threat group
Protective Custody/Need for separation
Pending disciplinary actions
Mental/Medical issues
Other

Discretionary Overrides (decrease level)

Time remaining to serve
Need for transition
Other

Justification for override(s): MPO

Recommended Security Level (Check recommended security level)

Community/Minimum Minimum Medium ☒ Medium/MPO Maximum Maximum/MPO

Comments: _____

Correctional Worker _____

Supervisor Signature and Comments _____

MAY 19 2006

Date _____

Classification Officer/Unit Supervisor _____

Treatment Administrator _____

Date _____

Comments: _____

000002

CLASSIFICATION DECISION PAGE

Name: Wilson James SBI: 163663

RISK ASSESSMENT SCALE: Community/Minimum -2 to 04 Minimum 05-08 Medium 09-16 Maximum 17 or more

Overall Numeric Score: 8

Override: ☒ Yes ☐ No If yes, briefly specify reason: MPO

Mandatory Policy Override Removal Approved By Warden/Designee: _____ Date: _____

	Present Classification	ICB or MDT Recommendation	IBCC Recommendation/ Decision	CICB Recommendation/ Decision	IRCB Decision
Security	Med	con	App		
Housing	Ment	DCC	App	App	
Job	Ed Aide	u/a	App		
Education	Lead	con	App		
Therapy	MHC	Green Tree	App	App	
Other					
Other					
Next Review Date		Month Year 5/07	Month Year 5/07	Month Year 5/07	

MDT or ICB Members Present		<u>Dr. Harris</u> <u>LT. Howard Fisher</u> DT or ICB Chairperson: <u>Dr. Harris</u>		Vote: <u>2-0</u> Abstention: <u>0</u> Date: <u>5/16/06</u>
Comments: <u>Due to MPO, security remains medium. The MDT recommends u/a job, Greentree North, and DCC housing.</u>				
IBCC Chairperson: <u>J. W. Withers</u>		Date: <u>5/30/06</u>		Vote: <u>3-0</u> Abstention: <u>0</u>
Override (include justification in comments) _____ Comments: <u>Mr. Wilson has been requesting Greentree North for a long time as housing for SCT & Outtree.</u>				
CICB Chairperson: <u>Spencer</u>		Date: <u>5/31/06</u>		Vote: <u>2-0</u> Abstention: <u>0</u>
Override (include justification in comments) _____ Comments: _____				
IRCB Chairperson: _____		Date: _____		Approved: _____ Disapproved: _____
Override (include justification in comments) _____ Comments: _____				

000003